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Attorneys for the Debtor
Incredible Auto Sales LLC

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MONTANA

IN RE:	)	
INCREDIBLE AUTO SALES L.L.C.	) CASE NO 06-60855-RB	K
Debtor	) Judge Ralph B Kirscher	
	)	

### <u>DEBTOR'S MOTION TO EXTEND LIMITED CASH COLLATERAL USAGE</u>

NOW COMES the Debtor and requests this Court grant continued Use of Cash collateral past the end of February 2007.

IN SUPPORT hereof the Debtor states as follows:

- 1.) This Chapter 11 for this Kia Franchised Dealer was filed on 10-17-06 and has continued to this date with the Debtor-in-Possession of its assets and operating its business.
- 2.) This Court has approved the Sale of the Kia Franchise to a new buyer, Rimrock Chrysler Dodge which has now been continued to February 26, 2007 in Billings, Montana.
- 3.) This sale of the Franchise approved by this Court has been conditioned on the Approval of the new buyer by Kia Motors of America.

- 4.) The Debtor has been in touch with both the local Attorney for Kia Motors of American and its New York Law Firm and the approval process for the Rimrock approval will not be completed by this February 26, 2007 Hearing date.
- 5.) Kia Motors will seek by Motion to continue this date to this date for hearing to the next Court date of March 20, 2007.
- 6.) Obviously if the approval process is not complete, the Debtor will not object to this continuance.
- 7.) The Debtor has discussed Cash Collateral Usage with Hyundai Motor Finance who will consent to continuation of Continued Use.
- 8.) The Debtor as instructed has filed this Motion today, but requests that the Proforma Exhibits of requested Usage be filed within the next 5 days.

WHEREFORE, the Debtor, Incredible Auto Sales requests an:

- A.) Extension to Use Cash Collateral to two alternate dates March 15,2007 and/or March 20, 2007; and that
- B.) It be allowed to file the two Cash Collateral Proforma Sheets within the next 5 days.

February 16, 2007

#### /s/ William L. Needler

Attorney for the Debtor, Incredible Auto Sales L.L.C.

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#### **NOTICE OF FILING**

Please be advised that the attached *DEBTOR'S MOTION TO EXTEND LIMITED CASH COLLATERAL USAGE* was filed with the above Court in Butte, Montana on February 16, 2007 electronically via CM/ECF. The Court will automatically notify all those listed with the Court.

Should you have any questions about this Application, you may call the Debtor's Attorneys listed below.

February 16, 2007

/s/ William L. Needler
Attorney for Incredible Auto Sales L.L.C.

#### **PROOF OF SERVICE**

William L. Needler, an Attorney, hereby certifies that the above and foregoing Emergency Motion was filed on January 22, 2007 with the Clerk of the Bankruptcy Court using the CM/ECF system, which will electronically notify all persons listed with the Court.

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I also hereby certify that it was served by facsimile on or before February 16, 2007, to those listed below from the Attorneys offices.

/s/ William L. Needler

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Debtor	)	Judge Ralph B Kirscher
	)	

#### NOTICE TO HYUNDAI MOTOR FINANCE AND INTERESTED PARTIES

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

# NOTICE OF HEARING Date :\_\_\_\_\_ Time: \_\_\_\_\_ Location:

This contested matter shall be scheduled for hearing for the next hearing date scheduled in the division within which the case is filed. The date, time, and location of the hearing can be obtained from the Clerk of Court or from the Court's website at <a href="https://www.mtb.uscourts.gov">www.mtb.uscourts.gov</a>. In the event such scheduled hearing date is thirty (30) days beyond the filing date of the motion for relief, then a preliminary hearing within such thirty (30) day period shall be scheduled by the responding party after such party contacts the Clerk of Court to confirm the preliminary telephone hearing date and time, which shall be set forth in the response.

If you fail to file a written response to the above Motion with the particularity required by Mont. LBR 4001-1(b), and request a hearing, within ten (10) days of the date of this Notice, with service on the undersigned and all parties entitled to service under all applicable rules, then your failure to respond or to request a hearing will be deemed an admission that the motion should be granted without further notice or hearing.